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**SUBSTITUTE SENATE BILL 5093**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Rasmussen and Drew)

Read first time 02/08/95.

1 AN ACT Relating to fire protection; amending RCW 4.24.400,  
2 9.40.100, 18.20.130, 18.46.110, 18.51.140, 18.51.145, 19.27A.110,  
3 28A.305.130, 38.54.010, 38.54.030, 38.54.050, 43.43.710, 43.63A.300,  
4 43.63A.310, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.350, 43.63A.360,  
5 43.63A.370, 43.63A.377, 46.37.467, 48.05.320, 48.48.030, 48.48.040,  
6 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090,  
7 48.48.110, 48.48.140, 48.48.150, 48.50.020, 48.50.040, 48.53.020,  
8 48.53.060, 70.41.080, 70.75.020, 70.75.030, 70.75.040, 70.77.170,  
9 70.77.250, 70.77.305, 70.77.315, 70.77.330, 70.77.360, 70.77.365,  
10 70.77.375, 70.77.415, 70.77.430, 70.77.455, 70.77.460, 70.77.465,  
11 70.77.575, 70.77.580, 70.108.040, 70.160.060, 71.12.485, 74.15.050,  
12 74.15.080, and 52.12.031; adding a new section to chapter 43.10 RCW;  
13 adding new sections to chapter 43.43 RCW; creating new sections;  
14 recodifying RCW 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.330,  
15 43.63A.340, 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.375, 43.63A.377,  
16 and 43.63A.380; repealing RCW 48.48.120; providing an effective date;  
17 and declaring an emergency.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

1        NEW SECTION.    **Sec. 1.** (1) All powers, duties, and functions of the  
2 department of community development or the department of community,  
3 trade, and economic development pertaining to fire protection are  
4 transferred to the Washington state patrol. All references to the  
5 director or the department of community development or the department  
6 of community, trade, and economic development in the Revised Code of  
7 Washington shall be construed to mean the chief of the Washington state  
8 patrol or the Washington state patrol when referring to the functions  
9 transferred in this section.

10        (2)(a) All reports, documents, surveys, books, records, files,  
11 papers, or written material in the possession of the department of  
12 community development or the department of community, trade, and  
13 economic development pertaining to the powers, functions, and duties  
14 transferred shall be delivered to the custody of the Washington state  
15 patrol. All cabinets, furniture, office equipment, motor vehicles, and  
16 other tangible property employed by the department of community  
17 development or the department of community, trade, and economic  
18 development in carrying out the powers, functions, and duties  
19 transferred shall be made available to the Washington state patrol.  
20 All funds, credits, or other assets held in connection with the powers,  
21 functions, and duties transferred shall be assigned to the Washington  
22 state patrol.

23        (b) Any appropriations made to the department of community  
24 development or the department of community, trade, and economic  
25 development for carrying out the powers, functions, and duties  
26 transferred shall, on the effective date of this section, be  
27 transferred and credited to the Washington state patrol to carry out  
28 the responsibilities of the fire protection policy board and the  
29 director of fire protection.

30        (c) Whenever any question arises as to the transfer of any  
31 personnel, funds, books, documents, records, papers, files, equipment,  
32 or other tangible property used or held in the exercise of the powers  
33 and the performance of the duties and functions transferred, the  
34 director of financial management shall make a determination as to the  
35 proper allocation and certify the same to the state agencies concerned.

36        (3) All employees of the department of community development or the  
37 department of community, trade, and economic development engaged in  
38 performing the powers, functions, and duties transferred are  
39 transferred to the jurisdiction of the Washington state patrol. All

1 employees classified under chapter 41.06 RCW, the state civil service  
2 law, are assigned to the Washington state patrol to perform their usual  
3 duties upon the same terms as formerly, without any loss of rights,  
4 subject to any action that may be appropriate thereafter in accordance  
5 with the laws and rules governing state civil service.

6 (4) All rules and all pending business before the department of  
7 community development or the department of community, trade, and  
8 economic development pertaining to the powers, functions, and duties  
9 transferred shall be continued and acted upon by the Washington state  
10 patrol. All existing contracts and obligations shall remain in full  
11 force and shall be performed by the Washington state patrol.

12 (5) The transfer of the powers, duties, functions, and personnel of  
13 the department of community development or the department of community,  
14 trade, and economic development shall not affect the validity of any  
15 act performed before the effective date of this section.

16 (6) If apportionments of budgeted funds are required because of the  
17 transfers directed by this section, the director of financial  
18 management shall certify the apportionments to the agencies affected,  
19 the state auditor, and the state treasurer. Each of these shall make  
20 the appropriate transfer and adjustments in funds and appropriation  
21 accounts and equipment records in accordance with the certification.

22 (7) Nothing contained in this section may be construed to alter any  
23 existing collective bargaining unit or the provisions of any existing  
24 collective bargaining agreement until the agreement has expired or  
25 until the bargaining unit has been modified by action of the personnel  
26 board as provided by law.

27 **Sec. 2.** RCW 4.24.400 and 1986 c 266 s 79 are each amended to read  
28 as follows:

29 No building warden, who acts in good faith, with or without  
30 compensation, shall be personally liable for civil damages arising from  
31 his or her negligent acts or omissions during the course of assigned  
32 duties in assisting others to evacuate industrial, commercial,  
33 governmental or multi-unit residential buildings or in attempting to  
34 control or alleviate a hazard to the building or its occupants caused  
35 by fire, earthquake or other threat to life or limb. The term  
36 "building warden" means an individual who is assigned to take charge of  
37 the occupants on a floor or in an area of a building during an  
38 emergency in accordance with a predetermined fire safety or evacuation

1 plan; and/or an individual selected by a municipal fire chief or the  
2 (~~director of community development~~) chief of the Washington state  
3 patrol, through the director of fire protection, after an emergency is  
4 in progress to assist in evacuating the occupants of such a building or  
5 providing for their safety. This section shall not apply to any acts  
6 or omissions constituting gross negligence or wilful or wanton  
7 misconduct.

8 **Sec. 3.** RCW 9.40.100 and 1990 c 177 s 1 are each amended to read  
9 as follows:

10 (1) Any person who willfully and without cause tampers with,  
11 molests, injures or breaks any public or private fire alarm apparatus,  
12 emergency phone, radio, or other wire or signal, or any fire fighting  
13 equipment, or who willfully and without having reasonable grounds for  
14 believing a fire exists, sends, gives, transmits, or sounds any false  
15 alarm of fire, by shouting in a public place or by means of any public  
16 or private fire alarm system or signal, or by telephone, is guilty of  
17 a misdemeanor. This provision shall not prohibit the testing of fire  
18 alarm systems by persons authorized to do so, by a fire department or  
19 the (~~director of community development~~) chief of the Washington state  
20 patrol, through the director of fire protection.

21 (2) Any person who willfully and without cause tampers with,  
22 molests, injures, or breaks any public or private fire alarm apparatus,  
23 emergency phone, radio, or other wire or signal, or any fire fighting  
24 equipment with the intent to commit arson, is guilty of a felony.

25 **Sec. 4.** RCW 18.20.130 and 1986 c 266 s 81 are each amended to read  
26 as follows:

27 Standards for fire protection and the enforcement thereof, with  
28 respect to all boarding homes to be licensed hereunder, shall be the  
29 responsibility of the (~~director of community development~~) chief of  
30 the Washington state patrol, through the director of fire protection,  
31 who shall adopt such recognized standards as may be applicable to  
32 boarding homes for the protection of life against the cause and spread  
33 of fire and fire hazards. The department upon receipt of an  
34 application for a license, shall submit to the (~~director of community~~  
35 ~~development~~) chief of the Washington state patrol, through the  
36 director of fire protection, in writing, a request for an inspection,  
37 giving the applicant's name and the location of the premises to be

1 licensed. Upon receipt of such a request, the (~~director of community~~  
2 ~~development~~) chief of the Washington state patrol, through the  
3 director of fire protection, or his or her deputy, shall make an  
4 inspection of the boarding home to be licensed, and if it is found that  
5 the premises do not comply with the required safety standards and fire  
6 regulations as promulgated by the (~~director of community development~~)  
7 chief of the Washington state patrol, through the director of fire  
8 protection, he or she shall promptly make a written report to the  
9 boarding home and the department or authorized department as to the  
10 manner and time allowed in which the premises must qualify for a  
11 license and set forth the conditions to be remedied with respect to  
12 fire regulations. The department, authorized department, applicant or  
13 licensee shall notify the (~~director of community development~~) chief  
14 of the Washington state patrol, through the director of fire  
15 protection, upon completion of any requirements made by him or her, and  
16 the (~~director of community development~~) chief of the Washington state  
17 patrol, through the director of fire protection, or his or her deputy,  
18 shall make a reinspection of such premises. Whenever the boarding home  
19 to be licensed meets with the approval of the (~~director of community~~  
20 ~~development~~) chief of the Washington state patrol, through the  
21 director of fire protection, he or she shall submit to the department  
22 or authorized department, a written report approving same with respect  
23 to fire protection before a full license can be issued. The (~~director~~  
24 ~~of community development~~) chief of the Washington state patrol,  
25 through the director of fire protection, shall make or cause to be made  
26 inspections of such homes at least annually.

27 In cities which have in force a comprehensive building code, the  
28 provisions of which are determined by the (~~director of community~~  
29 ~~development~~) chief of the Washington state patrol, through the  
30 director of fire protection, to be equal to the minimum standards of  
31 the code for boarding homes adopted by the (~~director of community~~  
32 ~~development~~) chief of the Washington state patrol, through the  
33 director of fire protection, the chief of the fire department, provided  
34 the latter is a paid chief of a paid fire department, shall make the  
35 inspection with the (~~director of community development~~) chief of the  
36 Washington state patrol, through the director of fire protection, or  
37 his or her deputy and they shall jointly approve the premises before a  
38 full license can be issued.

1       **Sec. 5.** RCW 18.46.110 and 1986 c 266 s 82 are each amended to read  
2 as follows:

3       Fire protection with respect to all maternity homes to be licensed  
4 hereunder, shall be the responsibility of the (~~director of community~~  
5 ~~development~~) chief of the Washington state patrol, through the  
6 director of fire protection, who shall adopt by reference, such  
7 recognized standards as may be applicable to nursing homes, places of  
8 refuge, and maternity homes for the protection of life against the  
9 cause and spread of fire and fire hazards. The department upon receipt  
10 of an application for a license, shall submit to the (~~director of~~  
11 ~~community development~~) chief of the Washington state patrol, through  
12 the director of fire protection, in writing, a request for an  
13 inspection, giving the applicant's name and the location of the  
14 premises to be licensed. Upon receipt of such a request, the  
15 (~~director of community development~~) chief of the Washington state  
16 patrol, through the director of fire protection, or his or her deputy,  
17 shall make an inspection of the maternity home to be licensed, and if  
18 it is found that the premises do not comply with the required safety  
19 standards and fire regulations as promulgated by the (~~director of~~  
20 ~~community development~~) chief of the Washington state patrol, through  
21 the director of fire protection, he or she shall promptly make a  
22 written report to the department as to the manner in which the premises  
23 may qualify for a license and set forth the conditions to be remedied  
24 with respect to fire regulations. The department, applicant or  
25 licensee shall notify the (~~director of community development~~) chief  
26 of the Washington state patrol, through the director of fire  
27 protection, upon completion of any requirements made by him or her, and  
28 the (~~director of community development~~) chief of the Washington state  
29 patrol, through the director of fire protection, or his or her deputy,  
30 shall make a reinspection of such premises. Whenever the maternity  
31 home to be licensed meets with the approval of the (~~director of~~  
32 ~~community development~~) chief of the Washington state patrol, through  
33 the director of fire protection, he or she shall submit to the  
34 department, a written report approving same with respect to fire  
35 protection before a license can be issued. The (~~director of community~~  
36 ~~development~~) chief of the Washington state patrol, through the  
37 director of fire protection, shall make or cause to be made such  
38 inspection of such maternity homes as he or she deems necessary.

1 In cities which have in force a comprehensive building code, the  
2 regulation of which is equal to the minimum standards of the code for  
3 maternity homes adopted by the (~~director of community development~~)  
4 chief of the Washington state patrol, through the director of fire  
5 protection, the building inspector and the chief of the fire  
6 department, provided the latter is a paid chief of a paid fire  
7 department, shall make the inspection and shall approve the premises  
8 before a license can be issued.

9 In cities where such building codes are in force, the (~~director of~~  
10 ~~community development~~) chief of the Washington state patrol, through  
11 the director of fire protection, may, upon request by the chief fire  
12 official, or the local governing body, or of a taxpayer of such city,  
13 assist in the enforcement of any such code pertaining to maternity  
14 homes.

15 **Sec. 6.** RCW 18.51.140 and 1986 c 266 s 83 are each amended to read  
16 as follows:

17 Standards for fire protection and the enforcement thereof, with  
18 respect to all nursing homes to be licensed hereunder, shall be the  
19 responsibility of the (~~director of community development~~) chief of  
20 the Washington state patrol, through the director of fire protection,  
21 who shall adopt such recognized standards as may be applicable to  
22 nursing homes for the protection of life against the cause and spread  
23 of fire and fire hazards. The department upon receipt of an  
24 application for a license, shall submit to the (~~director of community~~  
25 ~~development~~) chief of the Washington state patrol, through the  
26 director of fire protection, in writing, a request for an inspection,  
27 giving the applicant's name and the location of the premises to be  
28 licensed. Upon receipt of such a request, the (~~director of community~~  
29 ~~development~~) chief of the Washington state patrol, through the  
30 director of fire protection, or his or her deputy, shall make an  
31 inspection of the nursing home to be licensed, and if it is found that  
32 the premises do not comply with the required safety standards and fire  
33 regulations as promulgated by the (~~director of community development~~)  
34 chief of the Washington state patrol, through the director of fire  
35 protection, he or she shall promptly make a written report to the  
36 nursing home and the department as to the manner and time allowed in  
37 which the premises must qualify for a license and set forth the  
38 conditions to be remedied with respect to fire regulations. The

1 department, applicant or licensee shall notify the (~~director of~~  
2 ~~community development~~) chief of the Washington state patrol, through  
3 the director of fire protection, upon completion of any requirements  
4 made by him or her, and the (~~director of community development~~) chief  
5 of the Washington state patrol, through the director of fire  
6 protection, or his or her deputy, shall make a reinspection of such  
7 premises. Whenever the nursing home to be licensed meets with the  
8 approval of the (~~director of community development~~) chief of the  
9 Washington state patrol, through the director of fire protection, he or  
10 she shall submit to the department, a written report approving same  
11 with respect to fire protection before a full license can be issued.  
12 The (~~director of community development~~) chief of the Washington state  
13 patrol, through the director of fire protection, shall make or cause to  
14 be made inspections of such nursing homes at least annually.

15 In cities which have in force a comprehensive building code, the  
16 provisions of which are determined by the (~~director of community~~  
17 ~~development~~) chief of the Washington state patrol, through the  
18 director of fire protection, to be equal to the minimum standards of  
19 the code for nursing homes adopted by the (~~director of community~~  
20 ~~development~~) chief of the Washington state patrol, through the  
21 director of fire protection, the chief of the fire department, provided  
22 the latter is a paid chief of a paid fire department, shall make the  
23 inspection with the (~~director of community development~~) chief of the  
24 Washington state patrol, through the director of fire protection, or  
25 his or her deputy and they shall jointly approve the premises before a  
26 full license can be issued.

27 **Sec. 7.** RCW 18.51.145 and 1986 c 266 s 84 are each amended to read  
28 as follows:

29 Inspections of nursing homes by local authorities shall be  
30 consistent with the requirements of chapter 19.27 RCW, the state  
31 building code. Findings of a serious nature shall be coordinated with  
32 the department and the (~~director of community development~~) chief of  
33 the Washington state patrol, through the director of fire protection,  
34 for determination of appropriate actions to ensure a safe environment  
35 for nursing home residents. The (~~director of community development~~)  
36 chief of the Washington state patrol, through the director of fire  
37 protection, shall have exclusive authority to determine appropriate  
38 corrective action under this section.

1       **Sec. 8.** RCW 19.27A.110 and 1986 c 266 s 85 are each amended to  
2 read as follows:

3       The (~~director of community development~~) chief of the Washington  
4 state patrol, through the director of fire protection, is the only  
5 authority having jurisdiction over the approval of portable oil-fueled  
6 heaters. The sale and use of portable oil-fueled heaters is governed  
7 exclusively by RCW 19.27A.080 through 19.27A.120: PROVIDED, That  
8 cities and counties may adopt local standards as provided in RCW  
9 19.27.040.

10       **Sec. 9.** RCW 28A.305.130 and 1991 c 116 s 11 are each amended to  
11 read as follows:

12       In addition to any other powers and duties as provided by law, the  
13 state board of education shall:

14       (1) Approve or disapprove the program of courses leading to  
15 teacher, school administrator, and school specialized personnel  
16 certification offered by all institutions of higher education within  
17 the state which may be accredited and whose graduates may become  
18 entitled to receive such certification.

19       (2) Conduct every five years a review of the program approval  
20 standards, including the minimum standards for teachers,  
21 administrators, and educational staff associates, to reflect research  
22 findings and assure continued improvement of preparation programs for  
23 teachers, administrators, and educational staff associates.

24       (3) Investigate the character of the work required to be performed  
25 as a condition of entrance to and graduation from any institution of  
26 higher education in this state relative to such certification as  
27 provided for in subsection (1) above, and prepare a list of accredited  
28 institutions of higher education of this and other states whose  
29 graduates may be awarded such certificates.

30       (4)(a) The state board of education shall adopt rules to allow a  
31 teacher certification candidate to fulfill, in part, teacher  
32 preparation program requirements through work experience as a  
33 noncertificated teacher's aide in a public school or private school  
34 meeting the requirements of RCW 28A.195.010. The rules shall include,  
35 but are not limited to, limitations based upon the recency of the  
36 teacher preparation candidate's teacher aide work experience, and  
37 limitations based on the amount of work experience that may apply  
38 toward teacher preparation program requirements under this chapter.

1 (b) The state board of education shall require that at the time of  
2 the individual's enrollment in a teacher preparation program, the  
3 supervising teacher and the building principal shall jointly provide to  
4 the teacher preparation program of the higher education institution at  
5 which the teacher candidate is enrolled, a written assessment of the  
6 performance of the teacher candidate. The assessment shall contain  
7 such information as determined by the state board of education and  
8 shall include: Evidence that at least fifty percent of the candidate's  
9 work as a noncertificated teacher's aide was involved in instructional  
10 activities with children under the supervision of a certificated  
11 teacher and that the candidate worked a minimum of six hundred thirty  
12 hours for one school year; the type of work performed by the candidate;  
13 and a recommendation of whether the candidate's work experience as a  
14 noncertificated teacher's aide should be substituted for teacher  
15 preparation program requirements. In compliance with such rules as may  
16 be established by the state board of education under this section, the  
17 teacher preparation programs of the higher education institution where  
18 the candidate is enrolled shall make the final determination as to what  
19 teacher preparation program requirements may be fulfilled by teacher  
20 aide work experience.

21 (5) Supervise the issuance of such certificates as provided for in  
22 subsection (1) above and specify the types and kinds of certificates  
23 necessary for the several departments of the common schools by rule or  
24 regulation in accordance with RCW 28A.410.010.

25 (6) Accredite, subject to such accreditation standards and  
26 procedures as may be established by the state board of education, all  
27 schools that apply for accreditation, and approve, subject to the  
28 provisions of RCW 28A.195.010, private schools carrying out a program  
29 for any or all of the grades one through twelve: PROVIDED, That no  
30 public or private schools shall be placed upon the list of accredited  
31 schools so long as secret societies are knowingly allowed to exist  
32 among its students by school officials: PROVIDED FURTHER, That the  
33 state board may elect to require all or certain classifications of the  
34 public schools to conduct and participate in such pre-accreditation  
35 examination and evaluation processes as may now or hereafter be  
36 established by the board.

37 (7) Make rules and regulations governing the establishment in any  
38 existing nonhigh school district of any secondary program or any new  
39 grades in grades nine through twelve. Before any such program or any

1 new grades are established the district must obtain prior approval of  
2 the state board.

3 (8) Prepare such outline of study for the common schools as the  
4 board shall deem necessary, and prescribe such rules for the general  
5 government of the common schools, as shall seek to secure regularity of  
6 attendance, prevent truancy, secure efficiency, and promote the true  
7 interest of the common schools.

8 (9) Continuously reevaluate courses and adopt and enforce  
9 regulations within the common schools so as to meet the educational  
10 needs of students and articulate with the institutions of higher  
11 education and unify the work of the public school system.

12 (10) Carry out board powers and duties relating to the organization  
13 and reorganization of school districts under RCW 28A.315.010 through  
14 28A.315.680 and 28A.315.900.

15 (11) By rule or regulation promulgated upon the advice of the  
16 (~~director of community development~~) chief of the Washington state  
17 patrol, through the director of fire protection, provide for  
18 instruction of pupils in the public and private schools carrying out a  
19 K through 12 program, or any part thereof, so that in case of sudden  
20 emergency they shall be able to leave their particular school building  
21 in the shortest possible time or take such other steps as the  
22 particular emergency demands, and without confusion or panic; such  
23 rules and regulations shall be published and distributed to  
24 certificated personnel throughout the state whose duties shall include  
25 a familiarization therewith as well as the means of implementation  
26 thereof at their particular school.

27 (12) Hear and decide appeals as otherwise provided by law.

28 The state board of education is given the authority to promulgate  
29 information and rules dealing with the prevention of child abuse for  
30 purposes of curriculum use in the common schools.

31 **Sec. 10.** RCW 38.54.010 and 1992 c 117 s 9 are each amended to read  
32 as follows:

33 Unless the context clearly requires otherwise, the definitions in  
34 this section apply throughout this chapter.

35 (1) (~~"Department" means the department of community development.~~

36 (2) ~~"Director" means the director of the department of community~~  
37 ~~development.~~

1       ~~(3)~~) "State fire marshal" means the assistant director of the  
2 division of fire protection services in the (~~department of community~~  
3 ~~development~~) Washington state patrol.

4       ~~((4))~~ (2) "Fire chief" includes the chief officer of a  
5 statutorily authorized fire agency, or the fire chief's authorized  
6 representative. Also included are the department of natural resources  
7 fire control chief, and the department of natural resources regional  
8 managers.

9       ~~((5))~~ (3) "Jurisdiction" means state, county, city, fire  
10 district, or port district (~~{fire}~~) fire fighting units, or other  
11 units covered by this chapter.

12       ~~((6))~~ (4) "Mobilization" means that fire fighting resources  
13 beyond those available through existing agreements will be requested  
14 and, when available, sent to fight a fire that has or soon will exceed  
15 the capabilities of available local resources. During a large scale  
16 fire emergency, mobilization includes redistribution of regional or  
17 state-wide fire fighting resources to either direct fire fighting  
18 assignments or to assignment in communities where fire fighting  
19 resources are needed. This chapter shall not reduce or suspend the  
20 authority or responsibility of the department of natural resources  
21 under chapter 76.04 RCW.

22       ~~((7))~~ (5) "Mutual aid" means emergency interagency assistance  
23 provided without compensation under (~~and {an}~~) an agreement between  
24 jurisdictions under chapter 39.34 RCW.

25       **Sec. 11.** RCW 38.54.030 and 1992 c 117 s 11 are each amended to  
26 read as follows:

27       There is created the state fire defense board consisting of the  
28 state fire marshal, a representative from the department of natural  
29 resources appointed by the commissioner of public lands, the assistant  
30 director of the emergency management division of the department of  
31 community, trade, and economic development, and one representative  
32 selected by each regional fire defense board in the state. Members of  
33 the state fire defense board shall select from among themselves a  
34 chairperson. Members serving on the board do so in a voluntary  
35 capacity and are not eligible for reimbursement for meeting-related  
36 expenses from the state.

37       The state fire defense board shall develop and maintain the  
38 Washington state fire services mobilization plan, which shall include

1 the procedures to be used during fire emergencies for coordinating  
2 local, regional, and state fire jurisdiction resources. The Washington  
3 state fire services mobilization plan shall be consistent with, and  
4 made part of, the Washington state comprehensive emergency management  
5 plan. The director shall review the fire services mobilization plan as  
6 submitted by the state fire defense board and after consultation with  
7 the fire protection policy board, recommend changes that may be  
8 necessary, and approve the fire services mobilization plan for  
9 inclusion within the state comprehensive emergency management plan.

10 It is the responsibility of the ~~((director))~~ chief of the  
11 Washington state patrol to mobilize jurisdictions under the Washington  
12 state fire services mobilization plan. The state fire marshal shall  
13 serve as the state fire resources coordinator when the Washington state  
14 fire services mobilization plan is mobilized.

15 **Sec. 12.** RCW 38.54.050 and 1992 c 117 s 13 are each amended to  
16 read as follows:

17 The department of community, trade, and economic development in  
18 consultation with the office of financial management shall develop  
19 procedures to facilitate reimbursement to jurisdictions from  
20 appropriate federal and state funds when jurisdictions are mobilized by  
21 the ~~((director))~~ chief of the Washington state patrol under the  
22 Washington state fire services mobilization plan.

23 **Sec. 13.** RCW 43.43.710 and 1987 c 486 s 11 are each amended to  
24 read as follows:

25 Information contained in the files and records of the section  
26 relative to the commission of any crime by any person shall be  
27 considered privileged and shall not be made public or disclosed for any  
28 personal purpose or in any civil court proceedings except upon a  
29 written order of the judge of a court wherein such civil proceedings  
30 are had. All information contained in the files of the section  
31 relative to criminal records and personal histories of persons arrested  
32 for the commission of a crime shall be available to all criminal  
33 justice agencies ~~((and, for the sole purpose of investigating the cause~~  
34 ~~of fires under RCW 48.48.060(2) where the cause is suspected to be~~  
35 ~~arson, to the director of community development, through the director~~  
36 ~~of fire protection,)) upon the filing of an application as provided in  
37 RCW 43.43.705.~~

1 Although no application for information has been made to the  
2 section as provided in RCW 43.43.705, the section may transmit such  
3 information in the chief's discretion, to such agencies as are  
4 authorized by RCW 43.43.705 to make application for it.

5 **Sec. 14.** RCW 43.63A.300 and 1993 c 280 s 68 are each amended to  
6 read as follows:

7 The legislature finds that fire protection services at the state  
8 level are provided by different, independent state agencies. This has  
9 resulted in a lack of a comprehensive state-level focus for state fire  
10 protection services, funding, and policy. The legislature further  
11 finds that the paramount duty of the state in fire protection services  
12 is to enhance the capacity of all local jurisdictions to assure that  
13 their personnel with fire suppression, prevention, inspection, origin  
14 and cause, and arson investigation responsibilities are adequately  
15 trained to discharge their responsibilities. It is the intent of the  
16 legislature to consolidate fire protection services into a single state  
17 agency and to create a state board with the responsibility of (1)  
18 establishing a comprehensive state policy regarding fire protection  
19 services and (2) advising the (~~director of community, trade, and~~  
20 ~~economic development~~) chief of the Washington state patrol and the  
21 director of fire protection on matters relating to their duties under  
22 state law. It is also the intent of the legislature that the fire  
23 protection services program created herein will assist local fire  
24 protection agencies in program development without encroaching upon  
25 their historic autonomy. It is the further intent of the legislature  
26 that the fire protection services program be implemented incrementally  
27 to assure a smooth transition, to build local, regional, and state  
28 capacity, and to avoid undue burdens on jurisdictions with limited  
29 resources.

30 **Sec. 15.** RCW 43.63A.310 and 1986 c 266 s 55 are each amended to  
31 read as follows:

32 There is created the state fire protection policy board consisting  
33 of (~~ten~~) eight members appointed by the governor:

34 (1) (~~Three~~) One representative(~~s~~) of fire chiefs(~~.—At least~~  
35 ~~one shall be from a fire department east of the Cascade mountains and~~  
36 ~~at least one shall be from a fire department west of the Cascade~~  
37 ~~mountains.—One shall be from a fire protection district~~);

- 1 (2) One insurance industry representative;
- 2 (3) One representative of cities and towns;
- 3 (4) One representative of counties;
- 4 (5) ~~((Two))~~ One full-time, paid, career fire fighter~~((s))~~;
- 5 (6) One volunteer fire fighter; ~~((and))~~
- 6 (7) One representative of fire commissioners; and
- 7 (8) One representative of fire control programs of the department
- 8 of natural resources.

9 In making the appointments required under subsections (1) through  
10 (7) of this section, the governor shall (a) seek the advice of and  
11 consult with organizations involved in fire protection; and (b) ensure  
12 that racial minorities, women, and persons with disabilities are  
13 represented.

14 The terms of the appointed members of the board shall be three  
15 years and until a successor is appointed and qualified. However,  
16 initial board members shall be appointed as follows: Three members to  
17 terms of one year, three members to terms of two years, and four  
18 members to terms of three years. In the case of a vacancy of a member  
19 appointed under subsections (1) through (7) of this section, the  
20 governor shall appoint a new representative to fill the unexpired term  
21 of the member whose office has become vacant. A vacancy shall occur  
22 whenever an appointed member ceases to be employed in the occupation  
23 the member was appointed to represent. The members of the board  
24 appointed pursuant to subsections (1) and (5) of this section and  
25 holding office on the effective date of this section shall serve the  
26 remainder of their terms, and the reduction of the board required by  
27 section 15, chapter ---, Laws of 1995 (this section), shall occur upon  
28 the expiration of their terms.

29 The appointed members of the board shall be reimbursed for travel  
30 expenses under RCW 43.03.050 and 43.03.060.

31 The board shall select its own chairperson and shall meet at the  
32 request of the governor or the chairperson and at least four times per  
33 year.

34 **Sec. 16.** RCW 43.63A.320 and 1993 c 280 s 69 are each amended to  
35 read as follows:

36 Except for matters relating to the statutory duties of the  
37 ~~((director of community, trade, and economic development which))~~ chief  
38 of the Washington state patrol that are to be carried out through the

1 director of fire protection, the board shall have the responsibility of  
2 developing a comprehensive state policy regarding fire protection  
3 services. In carrying out its duties, the board shall:

4 (1) (a) Adopt a state fire training and education master plan that  
5 allows to the maximum feasible extent for negotiated agreements: (i)  
6 With the state board for community and technical colleges to provide  
7 academic, vocational, and field training programs for the fire service  
8 and (ii) with the higher education coordinating board and the state  
9 colleges and universities to provide instructional programs requiring  
10 advanced training, especially in command and management skills;

11 (b) Adopt minimum standards for each level of responsibility among  
12 personnel with fire suppression, prevention, inspection, and  
13 investigation responsibilities that assure continuing assessment of  
14 skills and are flexible enough to meet emerging technologies. With  
15 particular respect to training for fire investigations, the master plan  
16 shall encourage cross training in appropriate law enforcement skills.  
17 To meet special local needs, fire agencies may adopt more stringent  
18 requirements than those adopted by the state;

19 (c) Cooperate with the common schools, technical and community  
20 colleges, institutions of higher education, and any department or  
21 division of the state, or of any county or municipal corporation in  
22 establishing and maintaining instruction in fire service training and  
23 education in accordance with any act of congress and legislation  
24 enacted by the legislature in pursuance thereof and in establishing,  
25 building, and operating training and education facilities.

26 Industrial fire departments and private fire investigators may  
27 participate in training and education programs under this chapter for  
28 a reasonable fee established by rule;

29 (d) Develop and adopt a master plan for constructing, equipping,  
30 maintaining, and operating necessary fire service training and  
31 education facilities subject to the provisions of chapter 43.19 RCW;  
32 and

33 (e) Develop and adopt a master plan for the purchase, lease, or  
34 other acquisition of real estate necessary for fire service training  
35 and education facilities in a manner provided by law.

36 (2) In addition to its responsibilities for fire service training,  
37 the board shall:

38 (a) Adopt a state fire protection master plan;

1       ~~((2))~~ (b) Monitor fire protection in the state and develop  
2 objectives and priorities to improve fire protection for the state's  
3 citizens including: (i) The comprehensiveness of state and local  
4 inspections required by law for fire and life safety; (ii) the level of  
5 skills and training of inspectors, as well as needs for additional  
6 training; and (iii) the efforts of local, regional, and state  
7 inspection agencies to improve coordination and reduce duplication  
8 among inspection efforts;

9       ~~((3))~~ (c) Establish and promote state arson control programs and  
10 ensure development of local arson control programs;

11       ~~((4))~~ (d) Provide representation for local fire protection  
12 services to the governor in state-level fire protection planning  
13 matters such as, but not limited to, hazardous materials control;

14       ~~((5))~~ (e) Seek and solicit grants, gifts, bequests, ~~((devices))~~  
15 devises, and matching funds for use in furthering the objectives and  
16 duties of the board, and establish procedures for administering them;

17       ~~((6))~~ (f) Promote mutual aid and disaster planning for fire  
18 services in this state;

19       ~~((7))~~ (g) Assure the dissemination of information concerning the  
20 amount of fire damage including that damage caused by arson, and its  
21 causes and prevention;

22       ~~((8))~~ (h) Submit ~~((annually a))~~ an annual report to the governor  
23 ~~((containing a statement of))~~ describing its ~~((official acts))~~  
24 activities undertaken pursuant to this chapter, and make such studies,  
25 reports, and recommendations to the governor and the legislature as are  
26 requested; and

27       ~~((9) Adopt a state fire training and education master plan;~~

28       ~~(10) Develop and adopt a master plan for the construction,~~  
29 ~~equipping, maintaining, and operation of necessary fire service~~  
30 ~~training and education facilities, but the authority to construct,~~  
31 ~~equip, and maintain such facilities is subject to chapter 43.19 RCW;~~

32       ~~(11) Develop and adopt a master plan for the purchase, lease, or~~  
33 ~~other acquisition of real estate necessary to establish and operate~~  
34 ~~fire service training and education facilities in a manner provided by~~  
35 ~~law;~~

36       ~~(12) Adopt standards for state-wide fire service training and~~  
37 ~~education courses including courses in arson detection and~~  
38 ~~investigation for personnel of fire, police, and prosecutor's~~  
39 ~~departments;~~

1       ~~(13) Assure the administration of~~) (i) Implement any legislation  
2 enacted by the legislature ((in pursuance of the aims and purposes)) to  
3 meet the requirements of any acts of congress ((insofar as the  
4 provisions thereof may)) that apply((+

5       ~~(14) Cooperate with the common schools, community colleges,~~  
6 ~~institutions of higher education, and any department or division of the~~  
7 ~~state, or of any county or municipal corporation in establishing and~~  
8 ~~maintaining instruction in fire service training and education in~~  
9 ~~accordance with any act of Congress and legislation enacted by the~~  
10 ~~legislature in pursuance thereof and in establishing, building, and~~  
11 ~~operating training and education facilities.~~

12       This section does not apply to forest fire service personnel and  
13 programs. Industrial fire departments and private fire investigators  
14 may participate in training and education programs under this chapter  
15 for a reasonable fee established by rule)) to this section.

16       (3) In carrying out its statutory duties, the board shall give  
17 particular consideration to the appropriate roles to be played by the  
18 state and by local jurisdictions with fire protection responsibilities.  
19 Any determinations on the division of responsibility shall be made in  
20 consultation with local fire officials and their representatives.

21       To the extent possible, the board shall encourage development of  
22 regional units along compatible geographic, population, economic, and  
23 fire risk dimensions. Such regional units may serve to: (a) Reinforce  
24 coordination among state and local activities in fire service training,  
25 reporting, inspections, and investigations; (b) identify areas of  
26 special need, particularly in smaller jurisdictions with inadequate  
27 resources; (c) assist the state in its oversight responsibilities; (d)  
28 identify funding needs and options at both the state and local levels;  
29 and (e) provide models for building local capacity in fire protection  
30 programs.

31       **Sec. 17.** RCW 43.63A.330 and 1993 c 280 s 70 are each amended to  
32 read as follows:

33       In regards to the statutory duties of the ~~((director of community,~~  
34 ~~trade, and economic development which))~~ chief of the Washington state  
35 patrol that are to be carried out through the director of fire  
36 protection, the board shall serve in an advisory capacity in order to  
37 enhance the continuity of state fire protection services. In this  
38 capacity, the board shall:

1 (1) Advise the (~~director of community, trade, and economic~~  
2 ~~development~~) chief of the Washington state patrol and the director of  
3 fire protection on matters pertaining to their duties under law; and

4 (2) Advise the (~~director of community, trade, and economic~~  
5 ~~development~~) chief of the Washington state patrol and the director of  
6 fire protection on all budgeting and fiscal matters pertaining to the  
7 duties of the director of fire protection and the board.

8 **Sec. 18.** RCW 43.63A.340 and 1993 c 280 s 71 are each amended to  
9 read as follows:

10 (1) Wherever the term state fire marshal appears in the Revised  
11 Code of Washington or the Washington Administrative Code it shall mean  
12 the director of fire protection.

13 (2) The (~~director of community, trade, and economic development~~)  
14 chief of the Washington state patrol shall appoint an (~~assistant~~  
15 ~~director~~) officer who shall be known as the director of fire  
16 protection. The board, after consulting with the (~~director~~) chief of  
17 the Washington state patrol, shall prescribe qualifications for the  
18 position of director of fire protection. The board shall submit to the  
19 (~~director~~) chief of the Washington state patrol a list containing the  
20 names of three persons whom the board believes meet its qualifications.  
21 If requested by the (~~director~~) chief of the Washington state patrol,  
22 the board shall submit one additional list of three persons whom the  
23 board believes meet its qualifications. The appointment shall be from  
24 one of the lists of persons submitted by the board.

25 (3) The director of fire protection may designate one or more  
26 deputies and may delegate to those deputies his or her duties and  
27 authorities as deemed appropriate.

28 (4) The (~~director of community, trade, and economic development,~~  
29 ~~through the~~) director of fire protection, in accordance with the  
30 policies, objectives, and priorities of the fire protection policy  
31 board, shall(~~, after consultation with the board,~~) prepare a biennial  
32 budget pertaining to fire protection services. Such biennial budget  
33 shall be submitted as part of the (~~department's~~) Washington state  
34 patrol's budget request.

35 (5) The (~~director of community, trade, and economic development,~~  
36 ~~through the~~) director of fire protection, shall implement and  
37 administer, within (~~the~~) constraints established by budgeted  
38 resources, the policies, objectives, and priorities of the board and

1 all duties of the (~~director of community, trade, and economic~~  
2 ~~development which~~) chief of the Washington state patrol that are to be  
3 carried out through the director of fire protection. Such  
4 administration shall include negotiation of agreements with the state  
5 board for community and technical colleges, the higher education  
6 coordinating board, and the state colleges and universities as provided  
7 in RCW 43.63A.320. Programs covered by such agreements shall include,  
8 but not be limited to, planning curricula, developing and delivering  
9 instructional programs and materials, and using existing instructional  
10 personnel and facilities. Where appropriate, such contracts shall also  
11 include planning and conducting instructional programs at the state  
12 fire service training center.

13 (6) The (~~director of community, trade, and economic development~~)  
14 chief of the Washington state patrol, through the director of fire  
15 protection, shall seek the advice of the board in carrying out his or  
16 her duties under law.

17 **Sec. 19.** RCW 43.63A.350 and 1986 c 266 s 59 are each amended to  
18 read as follows:

19 The (~~department~~) Washington state patrol may accept any and all  
20 donations, grants, bequests, and (~~devices~~) devises, conditional or  
21 otherwise, or money, property, service, or other things of value which  
22 may be received from the United States or any agency thereof, any  
23 governmental agency, any institution, person, firm, or corporation,  
24 public and private, to be held, used, or applied for the purposes of  
25 the fire service training program established in RCW 43.63A.320 (as  
26 recodified by this act).

27 **Sec. 20.** RCW 43.63A.360 and 1986 c 266 s 60 are each amended to  
28 read as follows:

29 The (~~department~~) Washington state patrol may: (1) Impose and  
30 collect fees for fire service training; and (2) establish and set fee  
31 schedules for fire service training.

32 **Sec. 21.** RCW 43.63A.370 and 1986 c 266 s 61 are each amended to  
33 read as follows:

34 The fire service training account is hereby established in the  
35 state treasury. The (~~department~~) Washington state patrol shall  
36 deposit in the account all fees received by the (~~department~~)

1 Washington state patrol for fire service training. Moneys in the  
2 account may be appropriated only for fire service training.

3 **Sec. 22.** RCW 43.63A.377 and 1991 c 135 s 3 are each amended to  
4 read as follows:

5 Money from the fire services trust fund may be expended for the  
6 following purposes:

7 (1) Training of fire service personnel, including both classroom  
8 and hands-on training at the state fire training center or other  
9 locations approved by the ~~((director))~~ chief of the Washington state  
10 patrol through the director of fire protection services;

11 (2) Maintenance and operation at the state's fire training center  
12 near North Bend. If in the future the state builds or leases other  
13 facilities as other fire training centers, a portion of these moneys  
14 may be used for the maintenance and operation at these centers;

15 (3) Lease or purchase of equipment for use in the provisions of  
16 training to fire service personnel;

17 (4) Grants or subsidies to local ~~((entities))~~ jurisdictions to  
18 allow them to perform their functions under this section;

19 (5) Costs of administering these programs under this section;

20 (6) Licensing and enforcement of state laws governing the sales of  
21 fireworks; and

22 (7) Development with the legal fireworks industry and funding of a  
23 state-wide public education program for fireworks safety.

24 **Sec. 23.** RCW 46.37.467 and 1986 c 266 s 88 are each amended to  
25 read as follows:

26 (1) Every automobile, truck, motorcycle, motor home, or off-road  
27 vehicle that is fueled by an alternative fuel source shall bear a  
28 reflective placard issued by the national fire protection association  
29 indicating that the vehicle is so fueled. Violation of this subsection  
30 is a traffic infraction.

31 (2) As used in this section "alternative fuel source" includes  
32 propane, compressed natural gas, liquid petroleum gas, or any  
33 chemically similar gas but does not include gasoline or diesel fuel.

34 (3) If a placard for a specific alternative fuel source has not  
35 been issued by the national fire protection association, a placard  
36 issued by the ~~((director of community development))~~ chief of the  
37 Washington state patrol, through the director of fire protection, shall

1 be required. The (~~director of community development~~) chief of the  
2 Washington state patrol, through the director of fire protection, shall  
3 develop rules for the design, size, and placement of the placard which  
4 shall remain effective until a specific placard is issued by the  
5 national fire protection association.

6 **Sec. 24.** RCW 48.05.320 and 1986 c 266 s 66 are each amended to  
7 read as follows:

8 (1) Each authorized insurer shall promptly report to the (~~director~~  
9 ~~of community development~~) chief of the Washington state patrol,  
10 through the director of fire protection, upon forms as prescribed and  
11 furnished by him or her, each fire loss of property in this state  
12 reported to it and whether the loss is due to criminal activity or to  
13 undetermined causes.

14 (2) Each such insurer shall likewise report to the (~~director of~~  
15 ~~community development~~) chief of the Washington state patrol, through  
16 the director of fire protection, upon claims paid by it for loss or  
17 damage by fire in this state. Copies of all reports required by this  
18 section shall be promptly transmitted to the state insurance  
19 commissioner.

20 **Sec. 25.** RCW 48.48.030 and 1986 c 266 s 67 are each amended to  
21 read as follows:

22 (1) The (~~director of community development~~) chief of the  
23 Washington state patrol, through the director of fire protection or his  
24 or her authorized deputy, shall have authority at all times of day and  
25 night, in the performance of duties imposed by this chapter, to enter  
26 upon and examine any building or premises where any fire has occurred  
27 and other buildings and premises adjoining or near thereto.

28 (2) The (~~director of community development~~) chief of the  
29 Washington state patrol, through the director of fire protection or his  
30 or her authorized deputy, shall have authority at any reasonable hour  
31 to enter into any public building or premises or any building or  
32 premises used for public purposes to inspect for fire hazards.

33 **Sec. 26.** RCW 48.48.040 and 1986 c 266 s 68 are each amended to  
34 read as follows:

35 (1) The (~~director of community development~~) chief of the  
36 Washington state patrol, through the director of fire protection or his

1 or her authorized deputy, shall have authority to enter upon all  
2 premises and into all buildings except private dwellings for the  
3 purpose of inspection to ascertain if any fire hazard exists, and to  
4 require conformance with minimum standards for the prevention of fire  
5 and for the protection of life and property against fire and panic as  
6 to use of premises, and may adopt by reference nationally recognized  
7 standards applicable to local conditions.

8 (2) The (~~director of community development~~) chief of the  
9 Washington state patrol, through the director of fire protection or  
10 his or her authorized deputy, may, upon request by the chief fire  
11 official or the local governing body or of taxpayers of such area,  
12 assist in the enforcement of any such code.

13 **Sec. 27.** RCW 48.48.050 and 1986 c 266 s 70 are each amended to  
14 read as follows:

15 (1) If the (~~director of community development~~) chief of the  
16 Washington state patrol, through the director of fire protection or his  
17 or her authorized deputy, finds in any building or premises subject to  
18 their inspection under this chapter, any combustible material or  
19 flammable conditions or fire hazards dangerous to the safety of the  
20 building, premises, or to the public, he or she shall by written order  
21 require such condition to be remedied, and such order shall forthwith  
22 be complied with by the owner or occupant of the building or premises.

23 (2) An owner or occupant aggrieved by any such order made by the  
24 (~~director of community development~~) chief of the Washington state  
25 patrol, through the director of fire protection or his or her deputy,  
26 may appeal such order pursuant to chapter 34.05 RCW. If the order is  
27 confirmed, the order shall remain in force and be complied with by the  
28 owner or occupant.

29 (3) Any owner or occupant failing to comply with any such order not  
30 appealed from or with any order so confirmed shall be punishable by a  
31 fine of not less than ten dollars nor more than fifty dollars for each  
32 day such failure exists.

33 **Sec. 28.** RCW 48.48.060 and 1986 c 266 s 71 are each amended to  
34 read as follows:

35 (1) The chief of each organized fire department, the sheriff or  
36 other designated county official, and the designated city or town  
37 official shall investigate the cause(~~(7)~~) and origin, and document

1 extent of (~~loss~~) damage of all fires occurring within their  
2 respective jurisdictions, as determined by this subsection, and shall  
3 forthwith notify the (~~director of community development~~) chief of the  
4 Washington state patrol, through the director of fire protection, of  
5 all fires of criminal, suspected, or undetermined cause occurring  
6 within their respective jurisdictions. The county fire marshal shall  
7 also be notified of and investigate all such fires occurring in  
8 unincorporated areas of the county. Fire departments shall have the  
9 responsibility imposed by this subsection for areas within their  
10 jurisdictions. Sheriffs or other designated county officials shall  
11 have responsibility imposed by this subsection for county areas not  
12 within the jurisdiction of a fire department, unless such areas are  
13 within the boundaries of a city or town, in which case the designated  
14 city or town official shall have the responsibility imposed by this  
15 subsection. For the purposes of this subsection, county officials  
16 shall be designated by the county legislative authority, and city or  
17 town officials shall be designated by the appropriate city or town  
18 legislative or executive authority. In addition to the responsibility  
19 imposed by this subsection, any sheriff or chief of police may assist  
20 in the investigation of the cause(~~er~~) and origin, and document extent  
21 of (~~loss~~) damage of all fires occurring within his or her respective  
22 jurisdiction.

23 (2) The (~~director of community development~~) chief of the  
24 Washington state patrol, through the director of fire protection or his  
25 or her deputy, may investigate any fire for the purpose of determining  
26 its cause, origin, and the extent of the loss. The (~~director of~~  
27 ~~community development~~) chief of the Washington state patrol, through  
28 the director of fire protection or his or her deputy, shall assist in  
29 the investigation of those fires of criminal, suspected, or  
30 undetermined cause when requested by the reporting agency. In the  
31 investigation of any fire of criminal, suspected, or undetermined  
32 cause, the (~~director of community development~~) chief of the  
33 Washington state patrol and the director of fire protection or his or  
34 her deputy, are vested with police powers to enforce the laws of this  
35 state. To exercise these powers, authorized deputies must receive  
36 prior written authorization from the (~~director of community~~  
37 ~~development~~) chief of the Washington state patrol, through the  
38 director of fire protection, and shall have completed a course of

1 training prescribed by the Washington state criminal justice training  
2 commission.

3 **Sec. 29.** RCW 48.48.065 and 1986 c 266 s 72 are each amended to  
4 read as follows:

5 (1) The chief of each organized fire department, or the sheriff or  
6 other designated county official having jurisdiction over areas not  
7 within the jurisdiction of any fire department, shall report  
8 statistical information and data to the ~~((director of community  
9 development))~~ chief of the Washington state patrol, through the  
10 director of fire protection, on each fire occurring within the  
11 official's jurisdiction. Reports shall be consistent with the national  
12 fire incident reporting system developed by the United States fire  
13 administration and rules established by the ~~((director of community  
14 development))~~ chief of the Washington state patrol, through the  
15 director of fire protection. The ~~((director of community development))~~  
16 chief of the Washington state patrol, through the director of fire  
17 protection, and the department of natural resources shall jointly  
18 determine the statistical information to be reported on fires on land  
19 under the jurisdiction of the department of natural resources.

20 (2) The ~~((director of community development))~~ chief of the  
21 Washington state patrol, through the director of fire protection, shall  
22 analyze the information and data reported, compile a report, and  
23 distribute a copy annually by ~~((January 31))~~ May 1st to each chief fire  
24 official in the state. Upon request, the ~~((director of community  
25 development))~~ chief of the Washington state patrol, through the  
26 director of fire protection, shall also furnish a copy of the report to  
27 any other interested person at cost.

28 (3) In carrying out the duties relating to collecting, analyzing,  
29 and reporting statistical fire data, the fire protection policy board  
30 may purchase statistical fire data from a qualified individual or  
31 organization. The information shall meet the diverse needs of state  
32 and local fire reporting agencies and shall be (a) defined in  
33 understandable terms of common usage in the fire community; (b)  
34 adaptable to the varying levels of resources available; (c) maintained  
35 in a manner that will foster both technical support and resource  
36 sharing; and (d) designed to meet both short and long-term needs.

1       **Sec. 30.** RCW 48.48.070 and 1986 c 266 s 73 are each amended to  
2 read as follows:

3       In the conduct of any investigation into the cause, origin, or loss  
4 resulting from any fire, the (~~(director of community development)~~)  
5 chief of the Washington state patrol and the director of fire  
6 protection shall have the same power and rights relative to securing  
7 the attendance of witnesses and the taking of testimony under oath as  
8 is conferred upon the insurance commissioner under RCW 48.03.070.  
9 False swearing by any such witness shall be deemed to be perjury and  
10 shall be subject to punishment as such.

11       **Sec. 31.** RCW 48.48.080 and 1986 c 266 s 74 are each amended to  
12 read as follows:

13       If as the result of any such investigation, or because of any  
14 information received, the (~~(director of community development)~~) chief  
15 of the Washington state patrol, through the director of fire  
16 protection, is of the opinion that there is evidence sufficient to  
17 charge any person with any crime, he or she may cause such person to be  
18 arrested and charged with such offense, and shall furnish to the  
19 prosecuting attorney of the county in which the offense was committed,  
20 the names of witnesses and all pertinent and material evidence and  
21 testimony within his or her possession relative to the offense.

22       **Sec. 32.** RCW 48.48.090 and 1986 c 266 s 75 are each amended to  
23 read as follows:

24       The (~~(director of community development)~~) chief of the Washington  
25 state patrol, through the director of fire protection, shall keep on  
26 file all reports of fires made to him or her pursuant to this code.  
27 Such records shall at all times during business hours be open to public  
28 inspection; except, that any testimony taken in a fire investigation  
29 may, in the discretion of the (~~(director of community development)~~)  
30 chief of the Washington state patrol, through the director of fire  
31 protection, be withheld from public scrutiny. The (~~(director of~~  
32 ~~community development)~~) chief of the Washington state patrol, through  
33 the director of fire protection, may destroy any such report after five  
34 years from its date.

35       **Sec. 33.** RCW 48.48.110 and 1986 c 266 s 76 are each amended to  
36 read as follows:

1       The (~~director of community development~~) chief of the Washington  
2 state patrol, through the director of fire protection, shall submit  
3 annually a report to the governor of this state. The report shall  
4 contain a statement of his or her official acts pursuant to this  
5 chapter.

6       **Sec. 34.** RCW 48.48.140 and 1991 c 154 s 1 are each amended to read  
7 as follows:

8       (1) Smoke detection devices shall be installed inside all dwelling  
9 units:

10       (a) Occupied by persons other than the owner on and after December  
11 31, 1981; or

12       (b) Built or manufactured in this state after December 31, 1980.

13       (2) The smoke detection devices shall be designed, manufactured,  
14 and installed inside dwelling units in conformance with:

15       (a) Nationally accepted standards; and

16       (b) As provided by the administrative procedure act, chapter 34.05  
17 RCW, rules and regulations promulgated by the (~~director of community~~  
18 ~~development~~) chief of the Washington state patrol, through the  
19 director of fire protection.

20       (3) Installation of smoke detection devices shall be the  
21 responsibility of the owner. Maintenance of smoke detection devices,  
22 including the replacement of batteries where required for the proper  
23 operation of the smoke detection device, shall be the responsibility of  
24 the tenant, who shall maintain the device as specified by the  
25 manufacturer. At the time of a vacancy, the owner shall insure that  
26 the smoke detection device is operational prior to the reoccupancy of  
27 the dwelling unit.

28       (4) Any owner or tenant failing to comply with this section shall  
29 be punished by a fine of not more than two hundred dollars.

30       (5) For the purposes of this section:

31       (a) "Dwelling unit" means a single unit providing complete,  
32 independent living facilities for one or more persons including  
33 permanent provisions for living, sleeping, eating, cooking, and  
34 sanitation; and

35       (b) "Smoke detection device" means an assembly incorporating in one  
36 unit a device which detects visible or invisible particles of  
37 combustion, the control equipment, and the alarm-sounding device,

1 operated from a power supply either in the unit or obtained at the  
2 point of installation.

3 **Sec. 35.** RCW 48.48.150 and 1986 c 266 s 90 are each amended to  
4 read as follows:

5 (1) All premises guarded by guard animals, which are animals  
6 professionally trained to defend and protect premises or the occupants  
7 of the premises, shall be registered with the local fire department.  
8 Front entrances to residences and all entrances to business premises  
9 shall be posted in a visible location with signs approved by the  
10 (~~director of community development~~) chief of the Washington state  
11 patrol, through the director of fire protection, indicating that guard  
12 animals are present.

13 (2) A fire fighter, who reasonably believes that his or her safety  
14 is endangered by the presence of a guard animal, may without liability:  
15 (a) Refuse to enter the premises, or (b) take any reasonable action  
16 necessary to protect himself or herself from attack by the guard  
17 animal.

18 (3) If the person responsible for the guard animal being on the  
19 premises does not comply with subsection (1) of this section, that  
20 person may be held liable for any injury to the fire fighter caused by  
21 the presence of the guard animal.

22 **Sec. 36.** RCW 48.50.020 and 1986 c 266 s 77 are each amended to  
23 read as follows:

24 As used in this chapter the following terms have the meanings  
25 indicated unless the context clearly requires otherwise.

26 (1) "Authorized agency" means a public agency or its official  
27 representative having legal authority to investigate the cause of a  
28 fire and to initiate criminal proceedings or further investigations if  
29 the cause was not accidental, including the following persons and  
30 agencies:

31 (a) The (~~director of community development~~) chief of the  
32 Washington state patrol and the director of fire protection;

33 (b) The prosecuting attorney of the county where the fire occurred;

34 (c) The state attorney general, when engaged in a prosecution which  
35 is or may be connected with the fire;

36 (d) The Federal Bureau of Investigation, or any other federal  
37 agency; and

1 (e) The United States attorney's office when authorized or charged  
2 with investigation or prosecution concerning the fire.

3 (2) "Insurer" means any insurer, as defined in RCW 48.01.050, which  
4 insures against loss by fire, and includes insurers under the  
5 Washington F.A.I.R. plan.

6 (3) "Relevant information" means information having any tendency to  
7 make the existence of any fact that is of consequence to the  
8 investigation or determination of the cause of any fire more probable  
9 or less probable than it would be without the information.

10 **Sec. 37.** RCW 48.50.040 and 1986 c 266 s 91 are each amended to  
11 read as follows:

12 (1) When an insurer has reason to believe that a fire loss reported  
13 to the insurer may be of other than accidental cause, the insurer shall  
14 notify the (~~director of community development~~) chief of the  
15 Washington state patrol, through the director of fire protection, in  
16 the manner prescribed under RCW 48.05.320 concerning the circumstances  
17 of the fire loss, including any and all relevant material developed  
18 from the insurer's inquiry into the fire loss.

19 (2) Notification of the (~~director of community development~~) chief  
20 of the Washington state patrol, through the director of fire  
21 protection, under subsection (1) of this section does not relieve the  
22 insurer of the duty to respond to a request for information from any  
23 other authorized agency.

24 **Sec. 38.** RCW 48.53.020 and 1986 c 266 s 92 are each amended to  
25 read as follows:

26 (1) The (~~director of community development~~) chief of the  
27 Washington state patrol, through the director of fire protection, may  
28 designate certain classes of occupancy within a geographic area or may  
29 designate geographic areas as having an abnormally high incidence of  
30 arson. This designation shall not be a valid reason for cancellation,  
31 refusal to issue or renew, modification, or increasing the premium for  
32 any fire insurance policy.

33 (2) A fire insurance policy may not be issued to insure any  
34 property within a class of occupancy within a geographic area or within  
35 a geographic area designated by the (~~director of community~~  
36 ~~development~~) chief of the Washington state patrol, through the  
37 director of fire protection, as having an abnormally high incidence of

1 arson until the applicant has submitted an anti-arson application and  
2 the insurer or the insurer's representative has inspected the property.  
3 The application shall be prescribed by the (~~director of community~~  
4 ~~development~~) chief of the Washington state patrol, through the  
5 director of fire protection, and shall contain but not be limited to  
6 the following:

7 (a) The name and address of the prospective insured and any  
8 mortgagees or other parties having an ownership interest in the  
9 property to be insured;

10 (b) The amount of insurance requested and the method of valuation  
11 used to establish the amount of insurance;

12 (c) The dates and selling prices of the property, if any, during  
13 the previous three years;

14 (d) Fire losses exceeding one thousand dollars during the previous  
15 five years for property in which the prospective insured held an equity  
16 interest or mortgage;

17 (e) Current corrective orders pertaining to fire, safety, health,  
18 building, or construction codes that have not been complied with within  
19 the time period or any extension of such time period authorized by the  
20 authority issuing such corrective order applicable to the property to  
21 be insured;

22 (f) Present or anticipated occupancy of the structure, and whether  
23 a certificate of occupancy has been issued;

24 (g) Signature and title, if any, of the person submitting the  
25 application.

26 (3) If the facts required to be reported by subsection (2) of this  
27 section materially change, the insured shall notify the insurer of any  
28 such change within fourteen days.

29 (4) An anti-arson application is not required for: (a) Fire  
30 insurance policies covering one to four-unit owner-occupied residential  
31 dwellings; (b) policies existing as of June 10, 1982; or (c) the  
32 renewal of these policies.

33 (5) An anti-arson application shall contain a notice stating:  
34 "Designation of a class of occupancy within a geographic area or  
35 geographic areas as having an abnormally high incidence of arson shall  
36 not be a valid reason for cancellation, refusal to issue or renew,  
37 modification, or increasing the premium for any fire insurance policy."

1       **Sec. 39.** RCW 48.53.060 and 1986 c 266 s 93 are each amended to  
2 read as follows:

3       Rules designating geographic areas or classes of occupancy as  
4 having an abnormally high incidence of arson, and any other rules  
5 necessary to implement this chapter shall be adopted by the (~~director~~  
6 ~~of community development~~) chief of the Washington state patrol,  
7 through the director of fire protection, under chapter 34.05 RCW.

8       **Sec. 40.** RCW 70.41.080 and 1986 c 266 s 94 are each amended to  
9 read as follows:

10       Standards for fire protection and the enforcement thereof, with  
11 respect to all hospitals to be licensed hereunder shall be the  
12 responsibility of the (~~director of community development~~) chief of  
13 the Washington state patrol, through the director of fire protection,  
14 who shall adopt, after approval by the department, such recognized  
15 standards as may be applicable to hospitals for the protection of life  
16 against the cause and spread of fire and fire hazards. The department  
17 upon receipt of an application for a license, shall submit to the  
18 (~~state fire marshal~~) director of fire protection in writing, a  
19 request for an inspection, giving the applicant's name and the location  
20 of the premises to be licensed. Upon receipt of such a request, the  
21 (~~director of community development~~) chief of the Washington state  
22 patrol, through the director of fire protection, or his or her deputy,  
23 shall make an inspection of the hospital to be licensed, and if it is  
24 found that the premises do not comply with the required safety  
25 standards and fire regulations as adopted pursuant to this chapter, he  
26 or she shall promptly make a written report to the hospital and to the  
27 department listing the corrective actions required and the time allowed  
28 for accomplishing such corrections. The applicant or licensee shall  
29 notify the (~~director of community development~~) chief of the  
30 Washington state patrol, through the director of fire protection, upon  
31 completion of any corrections required by him or her, and the  
32 (~~director of community development~~) chief of the Washington state  
33 patrol, through the director of fire protection, or his or her deputy,  
34 shall make a reinspection of such premises. Whenever the hospital to  
35 be licensed meets with the approval of the (~~director of community~~  
36 ~~development~~) chief of the Washington state patrol, through the  
37 director of fire protection, he or she shall submit to the department  
38 a written report approving the hospital with respect to fire

1 protection, and such report is required before a full license can be  
2 issued. The (~~director of community development~~) chief of the  
3 Washington state patrol, through the director of fire protection, shall  
4 make or cause to be made inspections of such hospitals at least once a  
5 year.

6 In cities which have in force a comprehensive building code, the  
7 provisions of which are determined by the (~~director of community~~  
8 ~~development~~) chief of the Washington state patrol, through the  
9 director of fire protection, to be equal to the minimum standards of  
10 the code for hospitals adopted by the (~~director of community~~  
11 ~~development~~) chief of the Washington state patrol, through the  
12 director of fire protection, the chief of the fire department, provided  
13 the latter is a paid chief of a paid fire department, shall make the  
14 inspection with the (~~director of community development~~) chief of the  
15 Washington state patrol, through the director of fire protection, or  
16 his or her deputy and they shall jointly approve the premises before a  
17 full license can be issued.

18 **Sec. 41.** RCW 70.75.020 and 1986 c 266 s 96 are each amended to  
19 read as follows:

20 The standardization of existing fire protection equipment in this  
21 state shall be arranged for and carried out by or under the direction  
22 of the (~~director of community development~~) chief of the Washington  
23 state patrol, through the director of fire protection. He or she shall  
24 provide the appliances necessary for carrying on this work, shall  
25 proceed with such standardization as rapidly as possible, and shall  
26 require the completion of such work within a period of five years from  
27 June 8, 1967: PROVIDED, That the (~~director of community development~~)  
28 chief of the Washington state patrol, through the director of fire  
29 protection, may exempt special purpose fire equipment and existing fire  
30 protection equipment from standardization when it is established that  
31 such equipment is not essential to the coordination of public fire  
32 protection operations.

33 **Sec. 42.** RCW 70.75.030 and 1986 c 266 s 97 are each amended to  
34 read as follows:

35 The (~~director of community development~~) chief of the Washington  
36 state patrol, through the director of fire protection, shall notify  
37 industrial establishments and property owners having equipment, which

1 may be necessary for fire department use in protecting the property or  
2 putting out fire, of any changes necessary to bring their equipment up  
3 to the requirements of the standard established by RCW 70.75.020, and  
4 shall render such assistance as may be available for converting  
5 substandard equipment to meet standard specifications and requirements.

6 **Sec. 43.** RCW 70.75.040 and 1986 c 266 s 98 are each amended to  
7 read as follows:

8 Any person who, without approval of the (~~director of community~~  
9 ~~development~~) chief of the Washington state patrol, through the  
10 director of fire protection, sells or offers for sale in Washington any  
11 fire hose, fire engine or other equipment for fire protection purposes  
12 which is fitted or equipped with other than the standard thread is  
13 guilty of a misdemeanor: PROVIDED, That fire equipment for special  
14 purposes, research, programs, forest fire fighting, or special features  
15 of fire protection equipment found appropriate for uniformity within a  
16 particular protection area may be specifically exempted from this  
17 requirement by order of the (~~director of community development~~) chief  
18 of the Washington state patrol, through the director of fire  
19 protection.

20 **Sec. 44.** RCW 70.77.170 and 1986 c 266 s 99 are each amended to  
21 read as follows:

22 "License" means a nontransferable formal authorization which the  
23 (~~director of community development~~) chief of the Washington state  
24 patrol and the director of fire protection are permitted to issue under  
25 this chapter to engage in the act specifically designated therein.

26 **Sec. 45.** RCW 70.77.250 and 1986 c 266 s 100 are each amended to  
27 read as follows:

28 (1) The (~~director of community development~~) chief of the  
29 Washington state patrol, through the director of fire protection, shall  
30 enforce and administer this chapter.

31 (2) The (~~director of community development~~) chief of the  
32 Washington state patrol, through the director of fire protection,  
33 shall appoint such deputies and employees as may be necessary and  
34 required to carry out the provisions of this chapter.

35 (3) The (~~director of community development~~) chief of the  
36 Washington state patrol, through the director of fire protection, may

1 prescribe such rules relating to fireworks as may be necessary for the  
2 protection of life and property and for the implementation of this  
3 chapter.

4 (4) The (~~director of community development~~) chief of the  
5 Washington state patrol, through the director of fire protection, shall  
6 prescribe such rules as may be necessary to ensure state-wide minimum  
7 standards for the enforcement of this chapter. Counties, cities, and  
8 towns shall comply with such state rules. Any local rules adopted by  
9 local authorities that are more restrictive than state law as to the  
10 types of fireworks that may be sold shall have an effective date no  
11 sooner than one year after their adoption.

12 (5) The (~~director of community development~~) chief of the  
13 Washington state patrol, through the director of fire protection, may  
14 exercise the necessary police powers to enforce the criminal provisions  
15 of this chapter. This grant of police powers does not prevent any  
16 other state agency or local government agency having general law  
17 enforcement powers from enforcing this chapter within the jurisdiction  
18 of the agency or local government.

19 **Sec. 46.** RCW 70.77.305 and 1986 c 266 s 101 are each amended to  
20 read as follows:

21 The (~~director of community development~~) chief of the Washington  
22 state patrol, through the director of fire protection, has the power to  
23 issue licenses for the manufacture, importation, sale, and use of all  
24 fireworks in this state. A person may be licensed as a manufacturer,  
25 importer, or wholesaler under this chapter only if the person has a  
26 designated agent in this state who is registered with the (~~director of~~  
27 ~~community development~~) chief of the Washington state patrol, through  
28 the director of fire protection.

29 **Sec. 47.** RCW 70.77.315 and 1986 c 266 s 102 are each amended to  
30 read as follows:

31 Any person who desires to engage in the manufacture, importation,  
32 sale, or use of fireworks shall make a written application to the  
33 (~~director of community development~~) chief of the Washington state  
34 patrol, through the director of fire protection, on forms provided by  
35 him or her. Such application shall be accompanied by the annual  
36 license fee as prescribed in this chapter.

1       **Sec. 48.** RCW 70.77.330 and 1986 c 266 s 104 are each amended to  
2 read as follows:

3       If the (~~director of community development~~) chief of the  
4 Washington state patrol, through the director of fire protection, finds  
5 that the granting of such license would not be contrary to public  
6 safety or welfare, he or she shall issue a license authorizing the  
7 applicant to engage in the particular act or acts upon the payment of  
8 the license fee specified in this chapter. Licensees may transport the  
9 class of fireworks for which they hold a valid license.

10       **Sec. 49.** RCW 70.77.360 and 1986 c 266 s 106 are each amended to  
11 read as follows:

12       If the (~~director of community development~~) chief of the  
13 Washington state patrol, through the director of fire protection, finds  
14 that an application for any license under this chapter contains a  
15 material misrepresentation or that the granting of any license would be  
16 contrary to the public safety or welfare, the (~~director of community~~  
17 ~~development~~) chief of the Washington state patrol, through the  
18 director of fire protection, may deny the application for the license.

19       **Sec. 50.** RCW 70.77.365 and 1986 c 266 s 107 are each amended to  
20 read as follows:

21       A written report by the (~~director of community development~~) chief  
22 of the Washington state patrol, through the director of fire  
23 protection, or a local fire official, or any of their authorized  
24 representatives, disclosing that the applicant for a license, or the  
25 premises for which a license is to apply, do not meet the  
26 qualifications or conditions for a license constitutes grounds for the  
27 denial by the (~~director of community development~~) chief of the  
28 Washington state patrol, through the director of fire protection, of  
29 any application for a license.

30       **Sec. 51.** RCW 70.77.375 and 1986 c 266 s 108 are each amended to  
31 read as follows:

32       The (~~director of community development~~) chief of the Washington  
33 state patrol, through the director of fire protection, upon reasonable  
34 opportunity to be heard, shall revoke any license issued pursuant to  
35 this chapter, if he or she finds that:

1 (1) The licensee has violated any provisions of this chapter or any  
2 rule or regulations made by the ((~~director of community development~~))  
3 chief of the Washington state patrol, through the director of fire  
4 protection, under and with the authority of this chapter;

5 (2) The licensee has created or caused a fire nuisance;

6 (3) Any licensee has failed or refused to file any required  
7 reports; or

8 (4) Any fact or condition exists which, if it had existed at the  
9 time of the original application for such license, reasonably would  
10 have warranted the ((~~director of community development~~)) chief of the  
11 Washington state patrol, through the director of fire protection, in  
12 refusing originally to issue such license.

13 **Sec. 52.** RCW 70.77.415 and 1986 c 266 s 109 are each amended to  
14 read as follows:

15 Every public display of fireworks shall be handled or supervised by  
16 a pyrotechnic operator licensed by the ((~~director of community~~  
17 ~~development~~)) chief of the Washington state patrol, through the  
18 director of fire protection, under RCW 70.77.255.

19 **Sec. 53.** RCW 70.77.430 and 1986 c 266 s 110 are each amended to  
20 read as follows:

21 Notwithstanding RCW 70.77.255, following the revocation or  
22 expiration of a license, a licensee in lawful possession of a lawfully  
23 acquired stock of fireworks may sell such fireworks, but only under  
24 supervision of the ((~~director of community development~~)) chief of the  
25 Washington state patrol, through the director of fire protection. Any  
26 sale under this section shall be solely to persons who are authorized  
27 to buy, possess, sell, or use such fireworks.

28 **Sec. 54.** RCW 70.77.455 and 1986 c 266 s 114 are each amended to  
29 read as follows:

30 All licensees shall maintain and make available to the ((~~director~~  
31 ~~of community development~~)) chief of the Washington state patrol,  
32 through the director of fire protection, full and complete records  
33 showing all production, imports, exports, purchases, sales, and  
34 consumption of fireworks items by kind and class.

1       **Sec. 55.** RCW 70.77.460 and 1986 c 266 s 115 are each amended to  
2 read as follows:

3       When reports on fireworks transactions or the payments of license  
4 fees or penalties are required to be made on or by specified dates,  
5 they shall be deemed to have been made at the time they are filed with  
6 or paid to the (~~director of community development~~) chief of the  
7 Washington state patrol, through the director of fire protection, or,  
8 if sent by mail, on the date shown by the United States postmark on the  
9 envelope containing the report or payment.

10       **Sec. 56.** RCW 70.77.465 and 1986 c 266 s 116 are each amended to  
11 read as follows:

12       In addition to any other reports required under this chapter, the  
13 (~~director of community development~~) chief of the Washington state  
14 patrol, through the director of fire protection, may, by rule or  
15 otherwise, require additional, other, or supplemental reports from  
16 licensees and other persons and prescribe the form, including  
17 verification, of the information to be given when filing such  
18 additional, other or supplemental reports.

19       **Sec. 57.** RCW 70.77.575 and 1986 c 266 s 117 are each amended to  
20 read as follows:

21       (1) The (~~director of community development~~) chief of the  
22 Washington state patrol, through the director of fire protection, shall  
23 adopt by rule a list of the fireworks that may be sold to the public in  
24 this state pursuant to this chapter. The (~~director of community~~  
25 ~~development~~) chief of the Washington state patrol, through the  
26 director of fire protection, shall file the list by October 1st of each  
27 year with the code reviser for publication, unless the previously  
28 published list has remained current.

29       (2) The (~~director of community development~~) chief of the  
30 Washington state patrol, through the director of fire protection, shall  
31 provide the list adopted under subsection (1) of this section by  
32 November 1st of each year to all manufacturers, wholesalers, and  
33 importers licensed under this chapter, unless the previously  
34 distributed list has remained current.

35       **Sec. 58.** RCW 70.77.580 and 1986 c 266 s 118 are each amended to  
36 read as follows:

1 Retailers required to be licensed under this chapter shall post  
2 prominently at each retail outlet a list of the fireworks that may be  
3 sold to the public in this state pursuant to this chapter. The posted  
4 list shall be in a form approved by the (~~director of community~~  
5 ~~development~~) chief of the Washington state patrol, through the  
6 director of fire protection. The (~~director of community development~~)  
7 chief of the Washington state patrol, through the director of fire  
8 protection, shall make available the list.

9 **Sec. 59.** RCW 70.108.040 and 1986 c 266 s 120 are each amended to  
10 read as follows:

11 Application for an outdoor music festival permit shall be in  
12 writing and filed with the clerk of the issuing authority wherein the  
13 festival is to be held. Said application shall be filed not less than  
14 ninety days prior to the first scheduled day of the festival and shall  
15 be accompanied with a permit fee in the amount of two thousand five  
16 hundred dollars. Said application shall include:

17 (1) The name of the person or other legal entity on behalf of whom  
18 said application is made: PROVIDED, That a natural person applying for  
19 such permit shall be eighteen years of age or older;

20 (2) A financial statement of the applicant;

21 (3) The nature of the business organization of the applicant;

22 (4) Names and addresses of all individuals or other entities having  
23 a ten percent or more proprietary interest in the festival;

24 (5) The principal place of business of applicant;

25 (6) A legal description of the land to be occupied, the name and  
26 address of the owner thereof, together with a document showing the  
27 consent of said owner to the issuance of a permit, if the land be owned  
28 by a person other than the applicant;

29 (7) The scheduled performances and program;

30 (8) Written confirmation from the local health officer that he or  
31 she has reviewed and approved plans for site and development in  
32 accordance with rules, regulations and standards adopted by the state  
33 board of health. Such rules and regulations shall include criteria as  
34 to the following and such other matters as the state board of health  
35 deems necessary to protect the public's health:

36 (a) Submission of plans

37 (b) Site

38 (c) Water supply

- 1 (d) Sewage disposal
- 2 (e) Food preparation facilities
- 3 (f) Toilet facilities
- 4 (g) Solid waste
- 5 (h) Insect and rodent control
- 6 (i) Shelter
- 7 (j) Dust control
- 8 (k) Lighting
- 9 (l) Emergency medical facilities
- 10 (m) Emergency air evacuation
- 11 (n) Attendant physicians
- 12 (o) Communication systems

13 (9) A written confirmation from the appropriate law enforcement  
14 agency from the area where the outdoor music festival is to take place,  
15 showing that traffic control and crowd protection policing have been  
16 contracted for or otherwise provided by the applicant meeting the  
17 following conditions:

18 (a) One person for each two hundred persons reasonably expected to  
19 be in attendance at any time during the event for purposes of traffic  
20 and crowd control.

21 (b) The names and addresses of all traffic and crowd control  
22 personnel shall be provided to the appropriate law enforcement  
23 authority: PROVIDED, That not less than twenty percent of the traffic  
24 and crowd control personnel shall be commissioned police officers or  
25 deputy sheriffs: PROVIDED FURTHER, That on and after February 25, 1972  
26 any commissioned police officer or deputy sheriff who is employed and  
27 compensated by the promoter of an outdoor music festival shall not be  
28 eligible and shall not receive any benefits whatsoever from any public  
29 pension or disability plan of which he or she is a member for the time  
30 he is so employed or for any injuries received during the course of  
31 such employment.

32 (c) During the hours that the festival site shall be open to the  
33 public there shall be at least one regularly commissioned police  
34 officer employed by the jurisdiction wherein the festival site is  
35 located for every one thousand persons in attendance and said officer  
36 shall be on duty within the confines of the actual outdoor music  
37 festival site.

1 (d) All law enforcement personnel shall be charged with enforcing  
2 the provisions of this chapter and all existing statutes, ordinances  
3 and regulations.

4 (10) A written confirmation from the appropriate law enforcement  
5 authority that sufficient access roads are available for ingress and  
6 egress to the parking areas of the outdoor music festival site and that  
7 parking areas are available on the actual site of the festival or  
8 immediately adjacent thereto which are capable of accommodating one  
9 auto for every four persons in estimated attendance at the outdoor  
10 music festival site.

11 (11) A written confirmation from the department of natural  
12 resources, where applicable, and the (~~director of community~~  
13 ~~development~~) chief of the Washington state patrol, through the  
14 director of fire protection, that all fire prevention requirements have  
15 been complied with.

16 (12) A written statement of the applicant that all state and local  
17 law enforcement officers, fire control officers and other necessary  
18 governmental personnel shall have free access to the site of the  
19 outdoor music festival.

20 (13) A statement that the applicant will abide by the provisions of  
21 this chapter.

22 (14) The verification of the applicant warranting the truth of the  
23 matters set forth in the application to the best of the applicant's  
24 knowledge, under the penalty of perjury.

25 **Sec. 60.** RCW 70.160.060 and 1986 c 266 s 121 are each amended to  
26 read as follows:

27 This chapter is not intended to regulate smoking in a private  
28 enclosed workplace, within a public place, even though such workplace  
29 may be visited by nonsmokers, excepting places in which smoking is  
30 prohibited by the (~~director of community development~~) chief of the  
31 Washington state patrol, through the director of fire protection, or by  
32 other law, ordinance, or regulation.

33 **Sec. 61.** RCW 71.12.485 and 1989 1st ex.s. c 9 s 228 are each  
34 amended to read as follows:

35 Standards for fire protection and the enforcement thereof, with  
36 respect to all establishments to be licensed hereunder, shall be the  
37 responsibility of the (~~director of community development~~) chief of

1 the Washington state patrol, through the director of fire protection,  
2 who shall adopt such recognized standards as may be applicable to such  
3 establishments for the protection of life against the cause and spread  
4 of fire and fire hazards. The department of health, upon receipt of an  
5 application for a license, or renewal of a license, shall submit to the  
6 (~~director of community development~~) chief of the Washington state  
7 patrol, through the director of fire protection, in writing, a request  
8 for an inspection, giving the applicant's name and the location of the  
9 premises to be licensed. Upon receipt of such a request, the  
10 (~~director of community development~~) chief of the Washington state  
11 patrol, through the director of fire protection, or his or her deputy  
12 shall make an inspection of the establishment to be licensed, and if it  
13 is found that the premises do not comply with the required safety  
14 standards and fire regulations as promulgated by the (~~director of~~  
15 ~~community development~~) chief of the Washington state patrol, through  
16 the director of fire protection, he or she shall promptly make a  
17 written report to the establishment and the department of health as to  
18 the manner and time allowed in which the premises must qualify for a  
19 license and set forth the conditions to be remedied with respect to  
20 fire regulations. The department of health, applicant or licensee  
21 shall notify the (~~director of community development~~) chief of the  
22 Washington state patrol, through the director of fire protection, upon  
23 completion of any requirements made by him or her, and the (~~state fire~~  
24 ~~marshal~~) director of fire protection or his or her deputy shall make  
25 a reinspection of such premises. Whenever the establishment to be  
26 licensed meets with the approval of the (~~director of community~~  
27 ~~development~~) chief of the Washington state patrol, through the  
28 director of fire protection, he or she shall submit to the department  
29 of health a written report approving same with respect to fire  
30 protection before a full license can be issued. The (~~director of~~  
31 ~~community development~~) chief of the Washington state patrol, through  
32 the director of fire protection, shall make or cause to be made  
33 inspections of such establishments at least annually. The department  
34 of health shall not license or continue the license of any  
35 establishment unless and until it shall be approved by the (~~director~~  
36 ~~of community development~~) chief of the Washington state patrol,  
37 through the director of fire protection, as herein provided.

38 In cities which have in force a comprehensive building code, the  
39 provisions of which are determined by the (~~director of community~~

1 development)) chief of the Washington state patrol, through the  
2 director of fire protection, to be equal to the minimum standards of  
3 the ((~~director of community development~~)) chief of the Washington state  
4 patrol, through the director of fire protection, for such  
5 establishments, the chief of the fire department, provided the latter  
6 is a paid chief of a paid fire department, shall make the inspection  
7 with the ((~~director of community development~~)) chief of the Washington  
8 state patrol, through the director of fire protection, or his or her  
9 deputy, and they shall jointly approve the premises before a full  
10 license can be issued.

11 **Sec. 62.** RCW 74.15.050 and 1986 c 266 s 123 are each amended to  
12 read as follows:

13 The ((~~director of community development~~)) chief of the Washington  
14 state patrol, through the director of fire protection, shall have the  
15 power and it shall be his or her duty:

16 (1) In consultation with the children's services advisory committee  
17 and with the advice and assistance of persons representative of the  
18 various type agencies to be licensed, to adopt recognized minimum  
19 standard requirements pertaining to each category of agency established  
20 pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family  
21 homes and child-placing agencies, necessary to protect all persons  
22 residing therein from fire hazards;

23 (2) To make or cause to be made such inspections and investigations  
24 of agencies, other than foster-family homes or child-placing agencies,  
25 as he or she deems necessary;

26 (3) To make a periodic review of requirements under RCW  
27 74.15.030((+6)) (7) and to adopt necessary changes after consultation  
28 as required in subsection (1) of this section;

29 (4) To issue to applicants for licenses hereunder, other than  
30 foster-family homes or child-placing agencies, who comply with the  
31 requirements, a certificate of compliance, a copy of which shall be  
32 presented to the department of social and health services before a  
33 license shall be issued, except that a provisional license may be  
34 issued as provided in RCW 74.15.120.

35 **Sec. 63.** RCW 74.15.080 and 1989 1st ex.s. c 9 s 266 are each  
36 amended to read as follows:

1 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall  
2 accord the department of social and health services, the secretary of  
3 health, the ((director of community development)) chief of the  
4 Washington state patrol, and the director of fire protection, or their  
5 designees, the right of entrance and the privilege of access to and  
6 inspection of records for the purpose of determining whether or not  
7 there is compliance with the provisions of chapter 74.15 RCW and RCW  
8 74.13.031 and the requirements adopted thereunder.

9 NEW SECTION. **Sec. 64.** A new section is added to chapter 43.10 RCW  
10 to read as follows:

11 (1) The legislature finds that provisions for information systems  
12 relating to statistics and reporting for fire prevention, suppression,  
13 and damage control do not adequately address the needs of ongoing  
14 investigations of fire incidents where the cause is suspected or  
15 determined to be the result of negligence or otherwise suggestive of  
16 some criminal activity, particularly that of arson. It is the intent  
17 of the legislature to establish an information and reporting system  
18 designed specifically to assist state and local officers in conducting  
19 such investigations and, where substantiated, to undertake prosecution  
20 of individuals suspected of such activities.

21 (2)(a) In addition to the information provided by local officials  
22 about the cause, origin, and extent of loss in fires under chapter  
23 48.48 RCW, there is hereby created the state arson investigation  
24 information system in the Washington state patrol.

25 (b) The chief of the Washington state patrol shall develop the  
26 arson investigation information system in consultation with  
27 representatives of the various state and local officials charged with  
28 investigating fires resulting from suspicious or criminal activities  
29 under chapter 48.48 RCW and of the insurance industry.

30 (c) The arson investigation information system shall be designed to  
31 include at least the following attributes: (i) The information  
32 gathered and reported shall meet the diverse needs of state and local  
33 investigating agencies; (ii) the forms and reports are drafted in  
34 understandable terms of common usage; and (iii) the results shall be  
35 adaptable to the varying levels of available resources, maintained in  
36 a manner to foster data sharing and mutual aid activities, and made  
37 available to other law enforcement agencies responsible for criminal  
38 investigations.

1 (d) All insurers required to report claim information under the  
2 provisions of chapter 48.50 RCW shall cooperate fully with any requests  
3 from the chief of the Washington state patrol in developing and  
4 maintaining the arson investigation information system. The  
5 confidentiality provisions of that chapter shall be fully enforced.

6 **Sec. 65.** RCW 52.12.031 and 1986 c 311 s 1 are each amended to read  
7 as follows:

8 Any fire protection district organized under this title may:

9 (1) Lease, acquire, own, maintain, operate, and provide fire and  
10 emergency medical apparatus and all other necessary or proper  
11 facilities, machinery, and equipment for the prevention and suppression  
12 of fires, the providing of emergency medical services and the  
13 protection of life and property;

14 (2) Lease, acquire, own, maintain, and operate real property,  
15 improvements, and fixtures for housing, repairing, and maintaining the  
16 apparatus, facilities, machinery, and equipment described in subsection  
17 (1) of this section;

18 (3) Contract with any governmental entity under chapter 39.34 RCW  
19 or private person or entity to consolidate, provide, or cooperate for  
20 fire prevention protection, fire suppression, investigation, and  
21 emergency medical purposes. In so contracting, the district or  
22 governmental entity is deemed for all purposes to be acting within its  
23 governmental capacity. This contracting authority includes the  
24 furnishing of fire prevention, fire suppression, investigation,  
25 emergency medical services, facilities, and equipment to or by the  
26 district, governmental entity, or private person or entity;

27 (4) Encourage uniformity and coordination of fire protection  
28 district operations. The fire commissioners of fire protection  
29 districts may form an association to secure information of value in  
30 suppressing and preventing fires and other district purposes, to hold  
31 and attend meetings, and to promote more economical and efficient  
32 operation of the associated fire protection districts. The  
33 commissioners of fire protection districts in the association shall  
34 adopt articles of association or articles of incorporation for a  
35 nonprofit corporation, select a chairman, secretary, and other officers  
36 as they may determine, and may employ and discharge agents and  
37 employees as the officers deem convenient to carry out the purposes of  
38 the association. The expenses of the association may be paid from

1 funds paid into the association by fire protection districts:  
2 PROVIDED, That the aggregate contributions made to the association by  
3 a district in a calendar year shall not exceed two and one-half cents  
4 per thousand dollars of assessed valuation;

5 (5) Enter into contracts to provide group life insurance for the  
6 benefit of the personnel of the fire districts;

7 (6) Perform building and property inspections that the district  
8 deems necessary to provide fire prevention services and pre-fire  
9 planning within the district and any area that the district serves by  
10 contract in accordance with RCW 19.27.110: PROVIDED, That codes used  
11 by the district for building and property inspections shall be limited  
12 to the applicable codes adopted by the state, county, city, or town  
13 that has jurisdiction over the area in which the property is located.  
14 A copy of inspection reports prepared by the district shall be  
15 furnished by the district to the appropriate state, county, city, or  
16 town that has jurisdiction over the area in which the property is  
17 located: PROVIDED, That nothing in this subsection shall be construed  
18 to grant code enforcement authority to a district. This subsection  
19 shall not be construed as imposing liability on any governmental  
20 jurisdiction;

21 (7) Determine the origin and cause of fires occurring within the  
22 district and any area the district serves by contract. In exercising  
23 the authority conferred by this subsection, the fire protection  
24 district and its authorized representatives shall comply with the  
25 provisions of RCW 48.48.060;

26 (8) Perform acts consistent with this title and not otherwise  
27 prohibited by law.

28 NEW SECTION. **Sec. 66.** The association of fire commissioners that  
29 is authorized to be formed under RCW 52.12.031(4), the association of  
30 Washington cities, and the Washington state association of counties  
31 shall submit a report on achieving greater efficiency in the delivery  
32 of fire protection services to the government operations committees of  
33 the senate and the house of representatives on or before December 31,  
34 1995.

35 NEW SECTION. **Sec. 67.** The state fire protection policy board  
36 shall conduct a study on the overlapping and confusing jurisdiction and  
37 responsibilities of local governments concerning fire investigation.

1 The board shall make recommendations to the government operations  
2 committees of the senate and the house of representatives on or before  
3 December 31, 1995.

4 NEW SECTION. **Sec. 68.** The department of natural resources and the  
5 association of fire commissioners shall submit a report on the  
6 feasibility of providing fire protection for lands that are not  
7 federally protected, not protected by the department of natural  
8 resources, and not within the boundaries of a fire protection district  
9 to the government operations committees of the senate and the house of  
10 representatives on or before December 31, 1995.

11 NEW SECTION. **Sec. 69.** The following sections are each recodified  
12 as new sections in chapter 43.43 RCW:

13 RCW 43.63A.300

14 RCW 43.63A.310

15 RCW 43.63A.320

16 RCW 43.63A.330

17 RCW 43.63A.340

18 RCW 43.63A.350

19 RCW 43.63A.360

20 RCW 43.63A.370

21 RCW 43.63A.375

22 RCW 43.63A.377

23 RCW 43.63A.380.

24 NEW SECTION. **Sec. 70.** This act does not apply to forest fire  
25 service personnel and programs.

26 NEW SECTION. **Sec. 71.** RCW 48.48.120 and 1947 c 79 s .33.12 are  
27 each repealed.

28 NEW SECTION. **Sec. 72.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of the  
30 state government and its existing public institutions, and shall take  
31 effect July 1, 1995.

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